

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,	:	No. 1:16-CR-00153
	:	
v.	:	
	:	
KARL ERNST ROMINGER,	:	
	:	
Defendant.	:	Judge Sylvia H. Rambo

MEMORANDUM AND ORDER

In August 2016, the Cumberland County Court sentenced Defendant Karl Ernst Rominger (“Rominger”), an attorney, to a term of imprisonment of 5 ½ to 18 years in connection with theft of client funds. (Doc. 15, ¶ 34.) In October 2016, this court sentenced Rominger to a term of imprisonment of 20 months in connection with related federal income tax charges. (Doc. 25.) This court ordered that Rominger’s federal sentence be served consecutively to his state sentence, and therefore, a federal detainer was subsequently lodged with the Pennsylvania Department of Corrections. (*Id.*; Doc. 30, p. 1.)

On March 26, 2020, a state parole board granted Rominger parole. (Doc. 29, p. 2.) The next month, Rominger filed his present motion to remove the federal detainer. (Docs. 28, 29.) According to Rominger, the “only thing” preventing him from being released from state prison is his federal detainer. (Doc. 29, p. 2.) Accordingly, Rominger asks this court to lift the detainer so that he can be released

from state custody and self-report to federal prison, in order to begin his federal sentence. Alternatively, Rominger requests that that he be immediately transferred to a federal prison so that he may begin his federal sentence. The government has responded and Rominger has replied. (Docs. 30, 31.) The matter is thus ripe for disposition and, upon consideration, the court will deny the motion.

The problem with Rominger's motion is that it does not appear as if he is actually scheduled to be released from state prison. According to the government, the March 26, 2020 parole board decision scheduled Rominger's release for July 2020.¹ Rominger's submissions, including his reply brief, do not contest this fact. Moreover, to the extent that Rominger argues he is eligible for release from state custody pursuant to the Pennsylvania's Governor's directives and policies put in place by the Pennsylvania Department of Corrections, that determination falls to the Pennsylvania Department of Corrections. Certainly, this court has no authority to move up Rominger's scheduled release date from state prison.

As the government's brief explains, the United States Marshals Service and Bureau of Prisons have in place a system for tracking federal detainees and transferring state inmates to federal facilities. (Doc. 30, pp. 3-4.) Nothing before the court suggests that there has been, or will be, a breakdown in that process or a delay

¹ The government's brief is unclear on whether the actual date of release is July 5 or July 12. (See Doc. 30, pp. 2, 4.)

in transferring Rominger. Unless and until that occurs, the court has no reason to lift the federal detainer. Accordingly, Rominger's motion to lift the federal detainer and alternatively order his transfer to a federal institution (Doc. 28) is **DENIED**.

SO ORDERED.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: June 4, 2020